

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1008049

Property Description/Address:

Date Submitted:

Submitted By: Kathleen Oweegon

Meeting Date/Time: March 23, 2010 – Meeting #2

Meeting Location: Arroyo del Oso Golf Club Banquet Room

Facilitator: Kathleen Oweegon

Co-facilitator: Diane Grover

Parties:

- **Applicant/Agent**
 - o **La Familia**
 - **Bev Nomberg – CEO**
 - **David Sorenson**
 - **Tupper Dunbar**
 - **Charlie Grote – Staff Member**
 - **Lisa Gomme – Staff Member**
- **Neighborhood Associations/Interested Parties**
 - o No Neighborhood Assoc. for this area
 - o Attendees list at end of this report

Background/Meeting Summary:

Relationships between La Familia Deaf Group Home and the surrounding neighbors have been strained for a couple of years. Per the 1/11/10 decision of Zoning Hearing Examiner, Roberto Albertorio, we are now embarking on a series of meetings, possibly to include mediations, to work together to co-create a better and more collaborative relationship between the neighbors and the administration and residents of La Familia.

The topics of primary concern to the neighbors are (not listed in order of priority):

- ♦ **Safety Issues** – both for the DGH residents and for the neighborhood residents
- ♦ **Well-being of the DGH residents**
- ♦ **Communication between Neighbors & DGH** (both directions)
- ♦ **Adherence with Zoning Regulations**
- ♦ **DGH follow-through on commitments**
- ♦ **Staff Driving & Parking**
- ♦ **DGH integration community/neighborhood**

Outcome:

- ♦ We have scheduled a facilitated meeting for April 27, 2010, 6:30-8:30 at the Arroyo del Oso Golf Club Banquet Room.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- ♦ We will attempt to have representatives from City of Albuquerque Zoning and Albuquerque Police Department.
 - **Invitation Action Items:**
 - Tupper Dunbar will contact Officer Griffin, invite him to the 4/27 meeting, and ask him to contact facilitator.
 - Sue Maes will contact Officer Eric Jordan, invite him to the 4/27 meeting, and ask him to contact facilitator.
 - Facilitator will contact Detective Kocina (works with nuisance abatement) and invite him to the 4/27 meeting.
 - Facilitator will contact COA and invite someone from Zoning to the 4/27 meeting to answer questions regarding presence of DGH in residential area.
- ♦ Future meetings and/or mediation sessions will be scheduled as needed.

Meeting Specifics:

(**Note:** Many interested neighbors were not in attendance due to illnesses & other commitments.)

- I. Safety Issues (primary discussion of this topic occurred in 2/23 meeting)
 - A. Background checks on clients & employees.
 - 1. Clients - Background check is more biographical, social, psychological, adjudication etc.
 - (a) Probation may be OK – not prison or Springer.
 - (b) Don't take in kids with anything resembling criminal background
 - 2. Employees – ALL have full criminal records check through FBI and State of NM
 - (a) No one can work for La Familia if anything resembling child abuse or neglect or allegation thereof.
 - (b) Do child abuse and neglect screen thru CYFD – to make sure no charges ever brought.
 - (c) Also local police check with APD, or wherever they live.
 - (d) Criminal background check is nationwide
 - B. Neighbor perceives that – from the City's perspective - as long as someone hasn't been injured no problem.
 - C. Neighbors are concerned about clients leaving DGH angry.
 - 1. Fears this may be a safety issue
 - D. Concern: Multiple police cars responding to a call – inflames concerns about degree of trouble present.
 - 1. In meeting with APD representatives present, we can find out what their procedures are. Perhaps, when police call-outs are made, the information isn't specific enough and inspires greater police response than is necessary.
 - 2. Facilitator – in mediation we can come up with how to avoid these problems in the future.
 - 3. DGH doesn't want all those police cars responding either.
 - (a) Want to be good neighbors and assure neighbors that there is nothing to fear.
 - (b) Some of the calls were false alarms – that issue has been addressed.
 - i. We're making sure calls that are not needed are not made.
 - ii. Staff will make the calls in the future – kids aren't allowed to call anymore.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- If a DGH resident wants to make a report, we take them to the police station to do so, rather than have the police come out.
 - iii. We've succeeded in a great reduction of police calls. It should never be that way again.
 - (c) Even with the kids that weren't screened well –and we're working hard to screen – even if they have never done anything to harass the neighbors we will still be vigilant to make sure it doesn't happen.
- II. DGH follow-through on commitments
 - A. La Familia CEO wants to make sure that “falling down on commitments” doesn't happen again.
 - 1. In 2004 or 2005 CEO had talked to Brad Winters
 - (a) All DGH management should have followed through on setting up a meeting.
 - (b) CEO sent out a letter suggesting a neighborhood council
 - i. Was looking to Mr. Winter to make it happen and did not follow through.
 - ii. CEO will now follow through.
 - B. Facilitator Role in this Case:
 - 1. Facilitate better communication via facilitated meetings
 - (a) Support effective communication of the progress being made in improving the relationship between neighbors & the DGH via continued facilitated meetings as needed, and as the COA budget for this project allows.
 - 2. Facilitate conflict resolution via mediation wherein negotiation of issues can occur between representatives of DGH and agreements may be reached
 - (a) Agreements reached will be codified in a signed Memorandum of Agreement
 - (b) Facilitator will check on how the agreement is working through the end of the year, and support refinement of agreements as needed.
 - 3. Support follow-through
 - (a) In creating Community Council group comprised of 2 DGH management members, 2 neighborhood representatives, 2 members from larger community (per Zoning Hearing Officer's decision).
 - i. Attendees of this meeting agreed that the 2 members from the larger community might include a police representative, such as Officer Griffin who currently serves as a liaison between the deaf and hearing communities.
- III. Staff Driving & Parking
 - A. Concern: recent incident involving a blue SUV and a white DGH van speeding recklessly away from DGH
 - 1. Brought to CEO's attention by next door neighbor
 - 2. Neighbors only got a partial answer. Blue SUV driver was terminated – also white van – what was follow up
 - B. Response:
 - 1. CEO asked Tupper and David to investigate
 - 2. Person driving blue SUV has been terminated.
 - 3. Tupper also sent an all employees an e-mail telling them to drive more cautiously.
 - (a) First sent out text message
 - (b) Then sent e-mail to everyone
 - (c) Posted sign at staff desk
 - (d) Then had big staff meeting

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- i. All staff has taken mandatory defensive driving classes as part of their employment requirements
 - o Instructed staff that all defensive driving tools need to be employed in neighborhood at all times in van or personal cars.
 - (e) Zero tolerance.
 4. CEO – General policy: Management first gives verbal warning for infractions, then written warning, then after one or two written warnings - depending on nature of offence - leads to termination.
 5. 2nd staff member (driver of white van) is still employed, but has received verbal warning.
 6. Tupper spoke with Mr. Cook (next-door neighbor) and followed up with him.
 - (a) Tupper said his fault if he didn't mention the white van – thought he had
 7. Neighbor reinforced the danger and concern for neighbors and children
 - (a) Stop sign is ALL Stop – not slow and go
 - (b) CEO agreed
- C. Parking
1. Concern: Parking in front of mailboxes can keep mailmen from delivering mail
 2. Response addressing parking issues
 - (a) Staff instructed to not block mailboxes or driveways
 - i. Tupper went to everyone to remind them of this
 - ii. Has been discussed at staff meetings
 3. Church allows DGH to use their parking lot
 - (a) Staff has been instructed to walk to corner of Osuna and Wyoming and cross carefully.
 4. Tupper has same pet peeve – has often made staff move if he sees it.
 - (a) Tupper asked that neighbors call if any offences so he can remedy situation.
 5. La Familia attorney spoke with APD nuisance abatement and someone from substation.

IV. Zoning

- A. Concern: Why do we have a business in our residential neighborhood?
1. Facilitator suggested another meeting where someone from zoning attends to answer this and other zoning questions.
 - (a) Clarification: We will need to have specific questions, which we now have.
 2. Neighbor – La Familia would not be there if City said no.
 - (a) “My beef is with the City – not La Familia.”
 - (b) Neighbors were overlooked in the decision making process - were never consulted to begin with.
 - i. “Mr. Albertorio brushed us off at the hearing and originally 7 yrs ago. We need to know who made the law.”
 - (c) La Familia will only go where they are told they can go.
 3. Facilitator – Someone from zoning can answer as to the criteria under which the decision was made.
 - (a) Hearing officer made 6 conditions that need to happen before end of year.
 - i. We have from now to end of December to get working relationship built.
 - (b) Facilitator promised to express concerns to City via report.
- B. Concern: COA not looking out for taxpayers and people in the neighborhood.
1. Need to get City in here to explain.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

2. Facilitator – Mr. Albertorio is hoping that a negotiated agreement will take care of the neighbors concerns so that all can co-exist in a way that is harmonious and that meets everyone's needs.
 - (a) If we are unsuccessful, my report will reflect that.
 - i. Then Mr. Albertorio will decide what happens.
 - (b) It would still be helpful, in case he decides that the DGH will remain, for to collaborate toward peaceful relations.
- C. When La Familia bought house – how did that come to be?
 1. CEO made application to zoning once this property found for DGH.
 - (a) With every prospective property indentified, gave info to zoning board to see if location is OK.
 - i. Can't have group home within 1500' of another group home.
 - o Looked at many homes all over Albuquerque – every one was within 1500' of another group home.
 - (b) License is for more than 5 unrelated people living in one location.
 - i. La Familia got special permission for up to 8 kids, which makes things more tightly regulated.
- D. Concern: Why residential neighborhood?
 1. CEO wanted homelike environment for kids.
 - (a) Liked the backyard and front yard landscaped with rocks.
 - (b) Looked for home like environment in quiet neighborhood.
 - i. We looked at a lot of properties – always within 1500' of another group home.
 2. Was price an issue?
 - (a) Wanted good value –looked for what everyone else looks for in a house.
 3. Why not just go into an area like Winrock that is virtually vacant and have a variety of group homes?
 - (a) CEO – don't know – interesting prospect
- V. DGH Resident Integration into Neighborhood
 - A. How many kids have been thru the house
 1. Estimate about 50 since 2003.
 2. Neighbor surprised - says it feels like transients
 3. CEO will do a length of stay report – will tell how many and how long they stayed.
 - (a) Will e-mail report to all recipients of facilitator's report via "reply all", no later than April 2.
 4. Facilitator – proposed CEO do reply all to report and send that info out
 - (a) CEO can have the report out by April 2.
 - B. Concern: When large meetings were held, that did not seem to be for the kids, but the running of the business.
 1. Business meetings and staff trainings should be somewhere other than where kids are being raised in a home.
 - (a) It doesn't feel like a neighborhood when you do that.
 - (b) It would relieve disturbances and parking and traffic problems to have these meetings somewhere else.
 - i. Surely La Familia has a business address for meetings and trainings. Would like home not to be conference center

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

2. CEO trying to know when this happened
 - (a) David says have had staff meetings of about 10 people
 - (b) CEO will give neighbor's concern and suggestion some thought
3. Facilitator suggested follow-up in mediation session on this.
- C. Concern – if you are really trying to work kids into neighborhood setting – if we had a new family move in and we new kids there – we'd meet parents, kids, invite them over – find out what schools they go to, what their interests are.
 1. Neighbors would like to know what they are doing – we understand there are coming and goings at unusual hours.
 - (a) Opportunities to converse with residents and adult leaders seem a little more limited than a real family.
 - (b) Neighbors are being asking to accept without having a real understanding of who residents and staff are.
 - i. It's held behind a wall of confidentiality – and neighbors are being asked to treat DGH like another family.
 2. Facilitator quoted parts of La Familia letter of proposals:
 - (a) Community Council
 - (b) Informal meetings at DGH to educate community on fears & limitations that deaf, non-speaking youth must overcome to be successful, and what opportunities might exist for helping them to learn trust and effective communication with hearing neighbors
 - (c) Sharing information with neighbors regarding HIPAA protections.
Facilitator asked if that would address the concerns just shared – if not what would address
 - (d) Neighbor said would be step in the right direction.
 - i. Neighbor had a brief interaction with DGH residents.
 - o Saw them playing basketball with no net on the hoop.
 - Thought to pick up a net so they could enjoy basketball and did so.
 3. Tupper would like to find a balance between where there is a need for confidentiality – would like to find a way to work out these conflicting messages.
 - (a) CEO – It's a fine line we walk.
 4. CEO – if we can find a way to have an informal gathering – something where people can congregate. Kids can introduce themselves.
 5. DGH Staff – the kids really would like that
 - (a) Are enthusiastic about setting up something with the neighborhood
 - i. Bar-b-cue or cookout and meeting the neighbors.
 - ii. Some kids, who are long-term, are excited about the idea.
 6. Facilitator – recommendation for Community Council – 2 La Familia, 2 from neighborhood, 2 from larger community might help to address this.
 7. Staff person – What's the definition of “members of the larger community?”
 - (a) Facilitator doesn't know the answer. Will ask COA representative to ask Mr. Albertorio who he might imagine that to be.
 8. Neighbor – suggests it might be other folks that have interests in how the home operates and what they want to accomplish – medical practitioner specializing in deaf kids; maybe police officer (Officer Griffin?)

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

VI. Mediation

A. Facilitator:

1. Part of this process can - and perhaps should - be formal mediation
 - (a) Facilitator is a non- attorney mediator.
 - (b) Facilitated meetings are being conducted to identify the issues
 - i. Many can participate in facilitated meetings
 - (c) Mediation is a process where people in conflict sit down together to negotiate agreements to address issues of concern or conflict.
 - i. Agreements reached in mediation are written into a Memorandum of agreement, which is legally binding under contract law.
 - o This can help address concerns about follow-through on commitments.
 - ii. Mediation is cumbersome with a large group
 - o We will need neighbors and DGH to each identify three to four people as representatives in mediation.
 - o Other members of each group will need to give their representative proxy to negotiate on their behalf at the table
 - Can either authorize to reach agreement or
 - Bring draft agreement back to the larger group for ratification
2. Neighbor – Why do we need this? What is the point?
3. Facilitator – It is useful to have a signed memorandum of agreement.
 - (a) Sometimes when people make agreements they are not specific or solid and parties go away with different understandings.
 - (b) Then agreement is not kept as a result of non-specificity. Trained mediators can make sure all agreements are specific and have shared understanding.

B. Concern: Why do neighbors have to sign on to their commitments?

1. Why does the City make us sign our names to something they have to do? If they commit they should do it.
2. Facilitator – very often in mediation there are 2 sides to agreement.
 - (a) Maybe the DGH has requests to make of neighbors.
 - i. Won't know until we get to the table.
 - o No one will make you sign your names to something – mediator won't make anyone do anything they're not comfortable with.
 - o But if you want something that shows what you all agreed to, that's what the memorandum is for.
 - o The opportunity is there for neighbors to harvest, should they so desire.
 - ii. Can then follow up with facilitated meetings to make sure agreements are kept.

VII. Next Steps: A third facilitated meeting for Tuesday, April 27th, 6:30-8:30 at the same location – Arroyo Del Oso Golf Club Banquet Room.

VIII. Action Plan:

- A. Next meeting April 27, 6:30 at Arroyo del Oso.
- B. We will continue to meet and discuss the remaining topics of concern until we are ready to negotiate resolution agreements.
- C. Future meetings and/or mediation sessions will be scheduled as needed.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

IX. Action Items:

- A. Tupper Dunbar will contact Officer Griffin and invite him to the 4/27 meeting.
- B. Sue Maes will contact Officer Jordan and invite him to the 4/27 meeting.
- C. Facilitator will contact Detective Kocina and invite him to the 4/27 meeting, as well as include him in the e-mail group list receiving this and future meeting summary reports.
- D. Facilitator will contact COA and invite someone from Zoning to the 4/27 meeting to answer questions regarding presence of DGH in residential area.
- E. La Familia CEO will e-mail (via "reply all") a Length of Stay Report, summarizing the residential patterns of the DGH, to all individuals receiving this summary report no later than April 2, 2010.
- F. Between now and next meeting, neighbors will consider the possibility of a mediation, and if so, who to send to represent their interests (3 or 4 people) and the authority level these representatives have to reach agreement or recommend agreements to the larger group.
- G. Facilitator will talk to a COA representative to determine if Mr. Albertorio (Zoning Hearing Examiner) has a recommendation regarding who might comprise the representation of the larger community in the DGH Community Council, implied in his condition #2 (which referenced a letter to the neighbors from La Familia, dated Aug. 3, 2004, wherein the La Familia CEO proposed a DGH Community Council comprised of "two Evangeline Court neighbors, two representatives of La Familia, and two representatives of the larger community".)

Application Hearing Details:

Hearing is not scheduled at this time. Will be scheduled for sometime in January 2011.

Names & Addresses of Attendees:

- **Applicant/Agent**
 - o **La Familia**
 - Bev Nomberg – CEO
 - David Sorenson –
 - Tupper Dunbar
 - Charlie Grote – Staff Member
 - Lisa Gomme – Staff Member
- **Neighbors/Interested Parties**
 - o No Neighborhood Assoc. for this area
 - Nathan Gomme – NMCDHH
 - Lori Neubauer – NMCDHH
 - Carol Butler – Neighbor on Evangeline
 - Michael Ebbers – Neighbor on Evangeline
 - Dwight Coles – Neighbor on Evangeline
 - Alice Tyler – Neighbor on Evangeline
 - Sue Maes – Neighbor on Evangeline
 - Richard Hadad – Resident on neighboring street
 - Jean Lehr